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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/021,246      | 12/19/2001  | Shigeo Yamagata      | 35.G2961            | 7092             |

5514 7590 08/11/2005

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NEW YORK, NY 10112

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| EXAMINER |
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GIBBS, HEATHER D

|          |              |
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| ART UNIT | PAPER NUMBER |
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2622

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/021,246             | YAMAGATA ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Heather D. Gibbs       | 2622                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/07/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

2. The following quotations of 37 CFR § 1.75(a) is the basis of objection:  
  
(a) The specification must include with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.
3. Claim 1 recites the limitations "the signal level" in Line 5, Page 34 and "the transmittancy" in Line 8, Page 34. There is insufficient antecedent basis for these limitations in the claim.
4. Claim 6 recites the limitation "the shading correction" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- rejected under 35 U.S.C. 102(b) as being anticipated by Kazuhito et al (Japanese Laid Open Patent No. 7-273954).

Regarding claim 1, Kazuhito discloses An image reading apparatus comprising: an original table which comprises a transparent member; a reading unit which reads an original image through said original table and outputs an image signal; a correction unit which corrects the signal level of the image signal; a setting unit which sets numeric data which depends on the transmittancy of said transparent member; and a control unit which controls a correction amount of said correction unit in accordance with the numeric data set by said setting unit (Paragraph 0006; Drawing 1; Paragraphs 0008-0009).

For claims 2-3, Kazuhito teaches an apparatus according to claim 1, wherein said transparent member is coated with a predetermined coating agent (Paragraph 00054).

Regarding claim 4, Kazuhito discloses, An apparatus setting unit calculates a ratio between a first reading unit reading a according to claim 2, wherein said the numeric data in accordance with reading level, obtained by said reference original through a first transparent member uncoated with said coating agent, and a second reading level, obtained by said reading unit reading said reference original through a second transparent member coated with said coating agent (Paragraphs 0015-0056).

For claim 5, Kazuhito teaches an apparatus according to claim 1, wherein the numeric data is input onscreen (Drawing 10).

Considering claim 6, Kazuhito discloses An apparatus according to claim 1, wherein said correction unit corrects a shading of the image signal, and said control unit

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controls the shading correction amount in accordance with the numeric data (Paragraphs 0033-0037).

For claims 7-8, Kazuhito teaches an apparatus according to claim 1, wherein said transparent member is coated with a predetermined coating agent (Paragraph 00054).

Regarding claim 9, Kazuhito discloses an apparatus according to claim 7, further comprising a transparent member that is not coated with said predetermined coating agent, wherein said reading unit reads a standard density member through the uncoated transparent member to make shading data (Paragraphs 0007-0015).

Lastly, claim 10, Kazuhito teaches wherein said predetermined coating agent includes an antistatic agent (Paragraph 0054).

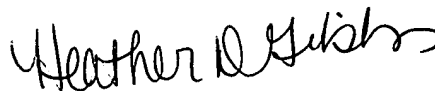
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

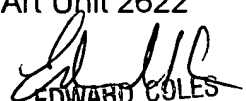
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs  
Examiner  
Art Unit 2622

hdg



EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
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